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OFFICE OF PETITIONS

In re Application of
Philip S.H. Chen, et al.
Application No. 10/758,825
Filed: January 16, 2004
Attorney Docket No. 2771-546-CIP3

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ON PETITION

This is a decision on the petition filed June 6, 2006 under 37 CFR 1.137(b) to revive the above-identified application. This is also a decision on the petition filed October 3, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue.

The petitions are **GRANTED**.

The application became abandoned for a failure to pay the issue fee on or before June 2, 2006. The present decision precedes the mailing of a Notice of Abandonment.

The petition under 37 CFR 1.137(b) includes (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Accordingly, the petition is found to comply with the requirements of 37 CFR 1.137(b).

The petition under 37 CFR 1.313(c)(2) includes, *inter alia*, (1) the petition fee of \$130; (2) a Request for Continued Examination (RCE); and (3) an Information Disclosure Statement (IDS). Accordingly, the petition is found to comply with the requirements of 37 CFR 1.313(c)(2).

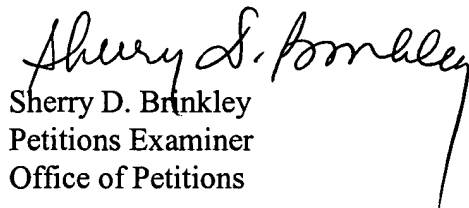
The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 6, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

¹The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center AU 2856 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions